

# Categorical Exclusion

## **Lahontan Peak Tower, LLC Communication Site/Access Rd. Right-of-way Renewal**

Sierra Front Field Office

Carson City

Nevada 89701 775-885-6000

## ***Categorical Exclusion Review***

### **Background**

Right-of-way NVN 0 057760, located on public lands in the Lahontan Peak area, (Lyon County) Nevada, was issued on September 12, 1961, under the Act of March 4, 1911, to Western Union for a communication site and access roads on public lands. Subsequently, four assignments occurred between its Western Union and four other companies. On February 7, 2006, this ROW was assigned to the current holder, Lahontan Peak Tower, LLC (LPTL). The only changes since its approval have been the addition of subleasing authority on June 10, 1992, and an amendment approved on April 26, 2005, for improvements to the site, found on the site plan map dated February 8, 2005.

### **BLM Office:**

LLNVC02000

### **Lease/Serial/Case File No.:**

NVN 093619

### **Location of Proposed Action:**

Mount Diablo Meridian, Nevada

T. 18 N., R. 25 E.,

sec. 14, E½SE¼.

### **Description of Proposed Action:**

On November 19, 2014, the Bureau of Land Management (BLM) received a ROW renewal application from LPTL for their ROW NVN 0 044290, for an existing communication site and two segments of access road. However, after doing land status research, it was noted that all lands within section 24, where one segment of road and the communication site are located will now be administered by Bureau of Reclamation (BOR) as the case file has expired, making the proposed action change to one segment of road. The existing authorization expired on September 11, 2011, and now requires that a new case number be assigned. The new authorization has been assigned case number NVN 093619 and will be effective upon issuance by the BLM. Upon issuance of NVN 093619, NVN 0 057760 will be closed.

LPTL has requested the Western road segment (proposed action) remain the following dimensions:

2,714 ft. long by 25 ft. wide, covering approximately 1.56 acres.

The BLM would grant LPTL a 30-year ROW pursuant to Title V of the FLPMA and the regulations at 43 CFR Part 2800. The ROW would be subject to terms and conditions, including standard stipulations. Upon termination, the holder would be required reclaim the road according to the terms of their grant.

## **Land Use Plan Conformance**

### **Land Use Plan Name:**

The Proposed Action is in conformance with the Nevada, Carson City Field Office Consolidated Resource Management Plan.

### **Date Approved/Amended: May 2001**

The Proposed Action is in conformance with the Nevada and Northeastern California Greater Sage-Grouse Approved Resource Management Plan Amendment. The Project Area does not lie within any designated greater sage-grouse (*Centrocercus urophasianus*) habitat.

**The proposed action is in conformance with the applicable LUP because it is specifically provided for in the following LUP decision(s):**

LND -7, "Administrative Actions" #6: "exchanges and minor non-Bureau initiated realty proposals will be considered where analysis indicates they are beneficial to the public."

## **Compliance with NEPA:**

The Proposed Action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 516 DM 2, Appendix 1, or 516 DM 11.9,

This categorical exclusion is appropriate in this situation because there are no extraordinary circumstances potentially having effects that may significantly affect the environment. The proposed action has been reviewed, and none of the extraordinary circumstances described in 516 DM 2 apply.

The applicable section is: 516 DM 11.9 (E) (9): "Renewals and assignments of leases, permits, or rights-of-way where no additional rights are conveyed beyond those granted by the original authorizations.

I considered:

NOTE: Answers to the Extraordinary Circumstances questions below will affect the level of NEPA required for this project.  
 If the answer to all Extraordinary Circumstances is NO, the use of the CX is appropriate.  
 If the answer to any one Extraordinary Circumstance is MAYBE or UNKNOWN, an EA is the appropriate NEPA document.  
 If the answer to any Extraordinary Circumstance is YES, an EIS is required.

<b>EXTRAORDINARY CIRCUMSTANCES</b> <i>Does the proposed action...</i>	<b>NO/MAYBE OR UNKNOWN/YES &amp; RATIONALE</b> (If appropriate)	<b>RESOURCE/PROGRAM SPECIALIST(S) ASSIGNED REVIEW</b>	<b>NAME OF TEAM MEMBER(S) ASSIGNED REVIEW</b>	<b>INITIALS AND DATE</b>
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### Impacts to Public Health and Safety

1. Have significant impacts on public health and safety?

	<b>NO</b>	Lands and Realty	Cory Gardner	//CC// 1/19/2016
	<b>NO</b>	Planning and Environmental Coordinator	Brian Buttazoni	//CC// 2/3/2016

### Impacts to Natural Resources or Unique Geographic Characteristics

2. Have significant impacts on such natural resources and unique geographic characteristics as historic or cultural resources; park, recreation or refuge lands; wilderness or wilderness study areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands (Executive Order 11990); floodplains (Executive Order 11988); national monuments; migratory birds (Executive Order 13186); and other ecologically significant or critical areas?

	<b>NO</b>	Lands and Realty	Cory Gardner	//CC// 1/19/2016
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## Level of Controversy

3. Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA Section 102(2)(E)]?

	<b>NO</b>	Lands and Realty	Cory Gardner	//CC// 1/19/2016
	<b>NO</b>	Planning and Environmental Coordinator	Brian Buttazoni	//CC// 2/3/2016

## Highly Uncertain or Unique or Unknown Environmental Risks

4. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks?

	<b>NO</b>	Lands and Realty	Cory Gardner	//CC// 1/19/2016
	<b>NO</b>	Planning and Environmental Coordinator	Brian Buttazoni	//CC// 2/3/2016

## Precedent Setting

5. Establish a precedent for future action, or represent a decision in principle about future actions, with potentially significant environmental effects?

	<b>NO</b>	Land and Realty Specialist	Cory Gardner	//CC// 1/19/2016
	<b>NO</b>	Planning and Environmental Coordinator	Brian Buttazoni	//CC// 2/3/2016

## Cumulatively Significant Effects

6. Have a direct relationship to other actions with individually insignificant, but cumulatively significant, environmental effects?

	<b>NO</b>	Planning and Environmental Coordinator	Brian Buttazoni	//CC// 2/3/2016
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## Impacts to Cultural Resources

7. Have significant impacts on properties listed or eligible for listing, on the National Register of Historic Places as determined by either the Bureau or office?

	<b>NO</b>	Archeologist	Alicia Alfaro	//CC// 1/19/2016
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## Impacts to Federally Listed Species or Critical Habitat

8. Have significant impacts on species listed, or proposed to be listed, on the List of Endangered or Threatened Species, or have significant impacts on designated Critical Habitat for these species?

	<b>NO</b>	Planning and Environmental Coordinator	Brian Buttazoni	//CC// 2/3/2016
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## Compliance with Other Laws

9. Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment?

	<b>NO</b>	Planning and Environmental Coordinator	Brian Buttazoni	//CC// 2/3/2016
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## Environmental Justice

10. Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898)?

	<b>NO</b>	Planning and Environmental Coordinator	Brian Buttazoni	//CC// 2/3/2016
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## Access to Sacred Sites

11. Limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners, or significantly adversely affect the physical integrity of such sacred sites (Executive Order 13007)?

	<b>NO</b>	Archeologist	Alicia Alfaro	//CC// 1/19/2016
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## Noxious Weeds or Non-Native Invasive Species

12. Contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area, or actions that may promote the introduction, growth, or expansion of the range of such species (Federal Noxious Weed Control Act and Executive Order 13112)?

	<b>NO</b>	Planning and Environmental Coordinator	Brian Buttazoni	//CC// 2/3/2016
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## Approval and Contact Information

 Bryant Smith , Acting Field Manager	Date: 2/3/2016
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This categorical exclusion worksheet does not constitute the decision to approve this project. See accompanying right-of-way grant for appeal information.